REMARKS

Status of the Claims

- Claims 1-14 are pending in the Application.

- Claims 1-14 are rejected by Examiner.

- Claims 1 and 8 are amended by Applicant.

Claim Amendments

Applicant respectfully disagrees with the explanations provided in the Advisory Action dated 2/27/2009 because the cited art of Reynolds and Hassan does not capture the subject matter of the invention as described in the as-filed specification.

As described in the as-filed specification, the invention addresses a method and mobile terminal for downloading and displaying a video program in an environment that includes a first radio access network and a second radio access network. The mobile terminal downloads the video program at a first data rate from a first radio access network and then continues to download the video program at a higher second data rate from a second radio access network when the mobile terminal crosses through a coverage area of the second radio access network. The mobile terminal displays the downloading video even as a third data transfer rate is calculated in response to the display playback rate, buffered portions of the video, and a time remaining to fully play back the video program. The third data transfer rate is used to continue to download the balance of the video program. The third data transfer rate is lower than the first data transfer rate. Thus, the subject matter of the present invention includes a method practiced by a mobile terminal as it crosses through various radio access networks to download a video program where the mobile terminal uses three different transfer rates to download the video program.

Independent Claims 1 and 8 are amended to clarify the subject matter of the invention. Claim 1 is amended to include aspect that the mobile terminal

downloads the video program at a first data rate from a first radio access network and then continues to download the video program at a second data rate from a second radio access network when the mobile terminal is in a coverage area of the second radio access network. Amended Claim 1 also includes the aspect that the mobile terminal displays the video program, buffers portions of the downloaded video program at the mobile terminal, and calculates, at the mobile terminal, a third data transfer rate. Support for this amendment can be found throughout the as-filed specification. One example is on page 5, lines 8-25. Independent Claim 8 is likewise amended.

As explained in Applicant's reply dated February 9, 2009, U.S. Patent Publication No. 2004/0045030 to Reynolds et al. (Reynolds) discusses a media steaming system that provides, from a single network, multiple streams at different rates to different users. For example, Reynolds Figures 2 and 3 depict a single network 220. Reynolds paragraph 0182, which references Figure 3, discuses simultaneously providing data streams to three different users (the first client, the second client, and the third client) at three different data rates.

Applicant respectfully submits that nowhere in Reynolds does it discuss providing a video program to a single mobile terminal (client) at different rates as the mobile terminal crosses from a first network to a second network as recited in the pending claims. Reynolds discusses a system that transmits data that includes a library of separate and distinct CODECs that can accommodate a plurality of simultaneous different clients that request data at different data rates. Reynolds does not discuss downloading a video program to a mobile terminal at a first rate from a first network, then continuing to download the same video program at a second data rate from a second network using the same mobile terminal as recited in the pending claims. Reynolds fails to discuss any of the Claim 1 aspects of displaying a video program, buffering at the mobile terminal, and calculating, at the mobile terminal, a third data transfer rate and then negotiating the continued download of the same video program at

the negotiated third transfer rate. Reynolds likewise fails to discuss these aspects as recited in Claim 8.

U.S. Patent No. 6,301,231 to Hassan et al. (Hassan) discusses operations of communications links with satellites in geosynchronous orbit. Hassan fails to discuss anything related to downloading a video program into a single mobile terminal at a first data rate via a first network and at a second data rate via a second network as the mobile terminal crosses from a first network to a second network as recited in the pending claims. Hassan also fails to discuss the Claim 1 aspect of displaying a video program, buffering at the mobile terminal, and calculating, at the mobile terminal, a third data transfer rate and then negotiating the continued download of the same vide program at the negotiated third transfer rate. Hassan likewise fails to discuss these aspects as recited in Claim 8.

Applicant respectfully submits that one of skill in the art would not combine the teachings of Reynolds and Hassan to arrive at the current invention because the combination of Reynolds and Hassan does not disclose all of the elements of the amended pending claims. Also, one of skill in the art would not try to combine the Reynolds CODEC media transmitting source that supplies each different user with their own single data rate in a single network with the Hassan geosynchronous satellite system operation method to try to arrive at the claimed invention because the claimed invention includes the aspects of a single mobile terminal that receives (downloads) a single video program from two different networks at two different data rates while displaying the video and then calculating and negotiating a third data transfer rate while buffering the video being downloaded into a mobile terminal. The combination of the Reynolds CODEC transmitter and the Hassan geosynchronous satellite system does not result in the mobile terminal method or receiver apparatus recited in amended Claims 1 and 8 respectively.

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Amdt. dated March 10, 2009
Reply to Advisory Action of February 27, 2009

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Conclusion

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of the pending rejections. Continued examination is respectfully requested in light of the amendments herein and the differences between the cited art and the amended claims.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,

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